

**NOTICE OF REGULAR MEETING
MISSION CITY COUNCIL
APRIL 22, 2013 4:30 P.M.
MISSION CITY HALL**

PRESENT:

Norberto Salinas, Mayor
Maria Elena Ramirez, Councilwoman
Ruben D. Plata, Councilman
Norie Gonzalez Garza, Mayor Pro Tem
Dr. Armando O'cana, Councilman
David Guerra, City Attorney
Anna Carrillo, City Secretary
Martin Garza, Jr., Interim City Manager

ABSENT:

ALSO PRESENT:

Sonia Del Angel
Irasema Valencia
Robert V. Toney
Monica M. Alvarez
Marianna T. Wright
Juan Longoria
Juan Delgado
Antonio Ybarra
Manuel Suchil
Joe B. Garza
Jaime Sanchez
Juan R. Rodriguez
Ruben Canales
Hernan Lugo
Kathy Olivarez, Progress Times
Richard Perez
Jaime Sanchez
Matt Ruszczak
Manuel Suchil
Lee McCormick
Monica Chavez

STAFF PRESENT:

Carmen Morales, Administrative Asst.
Nelia Hernandez, Asst. City Secretary
Aida Lerma, Deputy City Manager
Guillermo Seguin, Deputy City Manager
Danny Tijerina, Planning Director
Pat Martinez, Planning Department
Roberto Salinas, Public Works Director
Paul Schaefer, Golf Course Director
Joanne Longoria, CDBG Director
Rick Saldana, Fire Chief
Gilbert Sanchez, Fire Marshal
Eduardo Belmarez, Purchasing Director
Robert Dominguez, Interim Chief of Police
Janie Flores, Finance Director
Randy Perez, Asst. Finance Director
Julian Gonzalez, Parks & Rec. Director
Juan C. Avila, B & G Club Director
Noemi Munguia, HR Director
Jesse Lerma, Civil Service Director
Roland Rodriguez, I. T. Director
Luis Contreras, Museum Director
Mayra Rocha, Library Director
Elizabeth Hernandez, Executive Secretary
Jonathan Wehrmeister, Judge

1. Call to order

With a quorum being present, Mayor Norberto Salinas called the meeting to order at 4:41 p.m.

2. Pledge Allegiance and Invocation

Mayor Salinas led the meeting with the pledge of allegiance and Interim City Manager Martin Garza, Jr. gave the invocation.

3. Proclamation – GenTX Day

Anna Carrillo City Secretary read the proclamation GenTX Day.

Ms. Sonia Del Angel and UTPA students received the proclamation and thanked Mayor Salinas and City Council for their continued support.

Councilman Ruben D. Plata moved to approve the proclamation as presented. Motion was seconded by Councilman Dr. Armando O’cana and approved unanimously 5-0.

4. Proclamation – Motorcycle Safety Awareness Month

Mrs. Carrillo read the proclamation Motorcycle Safety Awareness Month.

Mr. Robert Tony and members from the Biker’s from Christ Organization and Christian Motorcycle Association were present to receive the proclamation and thanked City Council for bringing Motorcycle Safety Awareness in Mission.

Councilman Plata moved to approve the proclamation as presented. Motion was seconded by Councilwoman Maria Elena Ramirez and approved unanimously 5-0.

5. Proclamation – Safe Digging Month in Mission

Mrs. Carrillo read the proclamation Safe Digging Month in Mission.

Ms. Monica Chavez from Sharyland Utilities received the proclamation and thanked City Council for their support.

Councilman Plata moved to approve the proclamation as presented. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

6. Proclamation – National Police Week

Robert Dominguez Interim Chief of Police read the proclamation National Police Week.

Mr. Dominguez received the proclamation and invited Mayor Salinas and City Council to the Peace Officers Memorial Day ceremony on May 13, 2013.

Mayor Pro Tem Norie Gonzalez Garza moved to approve the proclamation as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

7. Departmental Reports

Councilwoman Ramirez moved to approve the departmental reports as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

8. Report from the Greater Mission Chamber of Commerce

Matt Ruszczak, CEO of the Greater Mission Chamber of Commerce reported on upcoming and past events.

9. Report from the National Butterfly Center

Marianna Wright gave a report regarding a successful Earth Day Celebration held this past weekend; she stated that the in focus Production was currently underway. She also advised the council that the Texas Butterfly Festival for this coming year was on line with registration to begin in May. The National Butterfly Center would also be conducting critter camp for the students this summer.

10. Citizens Participation

None

1.0 Public Hearing

1.1 Planning & Zoning Recommendations

- A. Rezoning: A .817 acre tract of land being all of Lots 5 & 6, Block 258, all of Block 259, a portion of abandoned Dunlap Ave., and a portion of abandoned Canal ROW, all being out of the Original Townsite of Mission; and A tract of land containing 65.316 acres comprised of 1) Block "A" and "B", Northwest Addition; 2) Lots 1-10, Lots 15-22, Block 12, and Lots A & B, Block 14, out of Northwest Addition; 3) A part of Ewing Street ROW adjacent to the south lines of said Blocks 12 & 14 (dedicated by Northwest Addition to Mission Subd., not open), and a part of Lots 23-5 & 23-6, West Addition to Sharyland; 4) A 2.77 acre tract out of Lots 23-6 & 22-6, West Addition to Sharyland, and 5) the ROW of Ewing St. (partially open as Kika De La Garza Loop), adjacent to the east line of Block "A", the ROW of Cummings Ave. between Blocks "A" & 12, the ROW of Perkins Ave. (not open) between Blocks 12 & 14, and the alleys ROW across Blocks 12 & 14, all dedicated by Northwest Addition (AKA Mission High School site including the Leo Najo Baseball Field, the Tom Landry Stadium and the Mission Boys and Girls Club), from R-1 (Single Family Residential) to P (Public Zone), Mission C.I.S.D. Adoption of Ordinance # 3927 approving 1.1A**

On April 10, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located along the south side of 18th Street between Holland Avenue and Conway Blvd. (Mission High School site). The Board voted to unanimously recommend approval as per staff's recommendations. There was no public opposition during P&Z 4/10/13 Mtg.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Mayor Pro Tem Garza moved to approve the rezoning and to adopt Ordinance No. 3927
Rezoning: A .817 acre tract of land being all of Lots 5 & 6, Block 258, all of Block 259, a portion of abandoned Dunlap Ave., and a portion of abandoned Canal ROW, all being out of the Original Townsite of Mission; and A tract of land containing 65.316 acres comprised of 1) Block "A" and "B", Northwest Addition; 2) Lots 1-10, Lots 15-22, Block 12, and Lots A & B, Block 14, out of Northwest Addition; 3) A part of Ewing Street ROW adjacent to the south lines of said Blocks 12 & 14 (dedicated by Northwest Addition to Mission Subd., not open), and a part of Lots 23-5 & 23-6, West Addition to Sharyland; 4) A 2.77 acre tract out of Lots 23-6 & 22-6,

West Addition to Sharyland, and 5) the ROW of Ewing St. (partially open as Kika De La Garza Loop), adjacent to the east line of Block "A", the ROW of Cummings Ave. between Blocks "A" & 12, the ROW of Perkins Ave. (not open) between Blocks 12 & 14, and the alleys ROW across Blocks 12 & 14, all dedicated by Northwest Addition (AKA Mission High School site including the Leo Najo Baseball Field, the Tom Landry Stadium and the Mission Boys and Girls Club), from R-1 (Single Family Residential) to P (Public Zone), Mission C.I.S.D. as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 3927

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING A .817 ACRE TRACT OF LAND BEING ALL OF LOTS 5 & 6, BLOCK 258, ALL OF BLOCK 259, A PORTION OF ABANDONED DUNLAP AVE., AND A PORTION OF ABANDONED CANAL ROW, ALL BEING OUT OF THE ORIGINAL TOWNSITE OF MISSION; AND A TRACT OF LAND CONTAINING 65.316 ACRES COMPRISED OF 1) BLOCK "A" AND "B", NORTHWEST ADDITION; 2) LOTS 1-10, LOTS 15-22, BLOCK 12, AND LOTS A & B, BLOCK 14, OUT OF NORTHWEST ADDITION; 3) A PART OF EWING STREET ROW ADJACENT TO THE SOUTH LINES OF SAID BLOCKS 12 & 14 (DEDICATED BY NORTHWEST ADDITION TO MISSION SUBD., NOT OPEN), AND A PART OF LOTS 23-5 & 23-6, WEST ADDITION TO SHARYLAND; 4) A 2.77 ACRE TRACT OUT OF LOTS 23-6 & 22-6, WEST ADDITION TO SHARYLAND, AND 5) THE ROW OF EWING ST. (PARTIALLY OPEN AS KIKA DE LA GARZA LOOP), ADJACENT TO THE EAST LINE OF BLOCK "A", THE ROW OF CUMMINGS AVE. BETWEEN BLOCKS "A" & 12, THE ROW OF PERKINS AVE. (NOT OPEN) BETWEEN BLOCKS 12 & 14, AND THE ALLEYS ROW ACROSS BLOCKS 12 & 14, ALL DEDICATED BY NORTHWEST ADDITION (AKA MISSION HIGH SCHOOL SITE INCLUDING THE LEO NAJO BASEBALL FIELD, THE TOM LANDRY STADIUM, AND THE MISSION BOYS AND GIRLS CLUB), FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO P (PUBLIC ZONE)

**B. Rezoning: W. ½ of Lot 3, Mission Acres Subdivision, from C-3 (General Business) to P (Public Zone), Iglesia De Cristo
Adoption of Ordinance # 3928 approving 1.1B**

On April 10, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located approximately 300' east of Adams Street along the north side of Business 83. The Board voted to unanimously recommend approval as per staff's recommendations. There was no public opposition during P&Z 4/10/13 Mtg.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

Mr. Manuel Suchil spoke in favor of the request.

Councilman Plata moved to approve the rezoning and to adopt Ordinance No. 3928 Rezoning: W. ½ of Lot 3, Mission Acres Subdivision, from C-3 (General Business) to P (Public Zone), Iglesia De Cristo as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3928

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING THE W. ½ OF LOT 3, MISSION ACRES SUBDIVISION, FROM C-3 (GENERAL BUSINESS) TO P (PUBLIC ZONE)

- C. Rezoning: The N. 92.50' of the W. 200' out of a 4.66 acre tract out of Lot 30-7, West Addition to Sharyland Subdivision, from R-1 (Single Family Residential) to C-3 (General Business), Emerardo Longoria
Adoption of Ordinance # 3929 approving 1.1C**

On April 10, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located on the SE corner of Turista & Conway Blvd. The Board voted to unanimously recommend approval as per staff's recommendations. There was no public opposition during P&Z 4/10/13 Mtg.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Councilwoman Ramirez moved to approve the rezoning and to adopt Ordinance No. 3929
Rezoning: The N. 92.50' of the W. 200' out of a 4.66 acre tract out of Lot 30-7, West Addition to Sharyland Subdivision, from R-1 (Single Family Residential) to C-3 (General Business) as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3929

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING THE N. 92.50' OF THE W. 200' OUT OF A 4.66 ACRE TRACT OUT OF LOT 30-7, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-3 (GENERAL BUSINESS)

- D. Rezoning: 2.122 acre tract of land out of Lot 22-1, West Addition to Sharyland Subdivision, from R-5 (High Density Manufactured Housing) to R-4 (Mobile & Modular Home), David Reyna
Adoption of Ordinance # 3930 approving 1.1D**

On April 10, 2013 the Planning and Zoning Commission convened in order to consider the rezoning request mentioned above, which was located 300' east of Inspiration Road along the north side of Barnes Street. The Board voted to unanimously recommend approval as per staff's recommendations. There was no public opposition during P&Z 4/10/13 Mtg.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Councilman Plata moved to approve the rezoning and to adopt Ordinance No. 3930 Rezoning: 2.122 acre tract of land out of Lot 22-1, West Addition to Sharyland Subdivision, from R-5 (High Density Manufactured Housing) to R-4 (Mobile & Modular Home) as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3930

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A REZONING 2.122 ACRE TRACT OF LAND OUT OF LOT 22-1, WEST ADDITION TO SHARYLAND SUBDIVISION, FROM R-5 (HIGH DENSITY MANUFACTURED HOUSING) TO R-4 (MOBILE & MODULAR HOME)

- E. Consider request by Juan R. Rodriguez to have the City Abandoned 0.07 acre tract of land being an irregular shaped portion of existing road right-of-way out of Schuerbach Road and a 40' dedicated road lying immediately south of an adjacent to border Pacific Railroad Company right-of-way and also lying north and west of Lot 1, Mrs. E.V. Flores Subdivision
Adoption of Ordinance # 3931 approving 1.1E**

On April 10, 2013 the Planning and Zoning Commission convened in order to consider the request mentioned above. The Board voted to unanimously recommend approval as per staff's recommendations. There was no public opposition during P&Z 4/10/13 Mtg.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

Mr. Jaime Sanchez and his business partner Juan Rodriguez spoke in favor of the request.

Councilman Plata moved to approve to adopt Ordinance No. 3931 to consider request by Juan R. Rodriguez to have the City Abandoned 0.07 acre tract of land being an irregular shaped portion of existing road right-of-way out of Schuerbach Road and a 40' dedicated road lying immediately south of an adjacent to border Pacific Railroad Company right-of-way and also lying north and west of Lot 1, Mrs. E.V. Flores Subdivision as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3931

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, ABANDONING A 0.07 ACRE TRACT OF LAND BEING AN IRREGULAR SHAPED PORTION OF EXISTING ROAD RIGHT-OF-WAY OUT OF SCHUERBACH ROAD AND A 40' DEDICATED ROAD LYING IMMEDIATLEY SOUTH OF AN ADJACENT TO BORDER PACIFIC RAILROAD COMPANY RIGHT-OF-WAY AND ALSO LYING NORTH AND WEST OF LOT 1, MRS. E.V. FLORES SUBIDVISION, MISSION, HIDALGO COUNTY, TEXAS

**F. Conditional Use Permit: Manufacturing and Packaging of Ice Cream and Chicharrones in a C-3 Zone, 204 W. Tom Landry, Lots 3-6, Block 175, Mission Original Townsite Subdivision, C-3, Jorge Pascual
Adoption of Ordinance # 3932 approving 1.1F**

On April 10, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was located on the NE corner of Perkins and Tom Landry. The Board voted to unanimously recommend approval as per staff's recommendations. There was no public opposition during P&Z 4/10/13 Mtg.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Mayor Pro Tem Garza moved to approve the CUP and to adopt Ordinance No. 3932 Conditional Use Permit: Manufacturing and Packaging of Ice Cream and Chicharrones in a C-3 Zone, 204 W. Tom Landry, Lots 3-6, Block 175, Mission Original Townsite Subdivision, C-3, subject to removing junked vehicles and clean-up of property as recommended by Mayor Salinas. Motion was seconded by Councilman Plata and approved unanimously 5-0.

ORDINANCE NO. 3932

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT TO MANUFACTURING AND PACKAGING OF ICE CREAM AND CHICHARRONES IN A C-3 ZONE

**G. Conditional Use Permit: Drive-Thru Service Window, 810 N. Schuerbach Road, Suite "D", Lot 1, Sylvia Plaza Subdivision, C-2, Jose Bazaldua
Adoption of Ordinance # 3933 approving 1.1G**

On April 10, 2013 the Planning and Zoning Commission convened in order to consider the conditional use permit request mentioned above, which was located on the SE corner of Schuerbach Road and Business 83. Be advised that the Board voted to unanimously recommend approval as per staff's recommendations. There was no public opposition during P&Z 4/10/13 Mtg.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Councilman Plata moved to approve the CUP and to adopt Ordinance No. 3933 Conditional Use Permit: Drive-Thru Service Window, 810 N. Schuerbach Road, Suite "D", Lot 1, Sylvia Plaza Subdivision, C-2 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

ORDINANCE NO. 3933

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU SERVICE WINDOW, 810 N. SCHUERBACH ROAD, SUITE "D", LOT 1, SYLVIA PLAZA SUBDIVISION

H. Preliminary Re-Plat Approval: Lone Star Bank Subdivision, Ph. II, Lots 1A & 1B, Being a Re-plat of Lot 1, Lone Star Bank Subdivision, Ph. II, C-3, Developer: J.A. Investments, Engineer: Melden & Hunt, Inc.

On April 10, 2013 the Planning and Zoning Commission convened in order to consider the Preliminary Re-Plat Approval for Lone Star Bank Subdivision, Ph. II. The proposed re-plat was located on the NE area of Glasscock Road and Griffin Parkway. State Code required all re-plats to have a public hearing. Be advised that the Board voted to unanimously recommend approval as per staff's recommendations. There was no public opposition during P&Z 4/10/13 Mtg.

Staff Recommendation: Approval subject to: 1) payment of Capital Sewer Recovery Fees; and 2) Must comply with all typical format findings.

City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

There were no comments.

Councilwoman Ramirez moved to approve Preliminary Re-Plat Approval: Lone Star Bank Subdivision, Ph. II, Lots 1A & 1B, being a Re-plat of Lot 1, Lone Star Bank Subdivision, Ph. II, C-3 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

I. Public Hearing – Mission Economic Development Corporation Industrial Revenue Bonds (AmeriTex Pipe & Products, LLC Project)

Public Hearing: A public hearing related to the issuance of one or more series of industrial development revenue bonds in an aggregate principal amount not to exceed \$8,500,000 by the MEDC for AmeriTex Pipe & Products, LLC Project. The project was to refinance the acquisition, construction, improvements and equipping of a 55,000 sq. ft. facility for the manufacture of concrete pipes, culverts and related products, and to finance the acquisition, construction, improvements and equipping of a 16,000 sq. ft. addition to such facility in Seguin, Texas.

The public hearing ad was published in the The Monitor on April 8, 2013.

The public hearing was to give citizens the opportunity to be heard.

Staff and City Manager recommended approval.

Mayor Salinas asked if there were any comments for or against the request.

Mr. Lee McCormick, Financial Advisor for MEDC was present to elaborate on the request and to answer any questions the City Council might have.

No action was needed on this item. This was only a public hearing.

2.0 Disposition of Minutes

2.1 City Council Meeting – April 8, 2013

Mayor Pro Tem Garza moved to approve the minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

3.0 Acknowledge Receipt of Minutes

3.1 Parks & Recreation Board Meeting – March 20, 2013

Juvenile Justice and Delinquency Prevention

Advisory Board – March 6, 2013

Planning & Zoning Commission – March 27, 2013

Mayor Pro Tem Garza moved to acknowledge the receipt of minutes as presented. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.0 Approvals and Authorizations

4.1 Final Plat Approval: Orchards at Shary Road Subdivision Ph. II, 7.98 acres out of Lot 285, John H. Shary Subdivision, R-1A, Developer: 3M Venture, LLC, Engineer: Javier Hinojosa Engineering

On October 8, 2012 the City Council convened to consider the Preliminary Plat Approval for the Orchards at Shary Phase II. The proposed subdivision was the second and final phase of the existing Orchards At Shary Road Subdivision located approx. ¼ mile south of 2 Mile Rd. along the east side of Shary Rd. All utilities and paving had been installed and approved by the City of Mission. There was no public opposition during the 9/26/12 P&Z hearing. P&Z unanimously recommended approval as per staff's recommendations.

Staff Recommendation: Approval subject to: 1) payment of park fees and sewer capital recovery fees, 2) escrow 5' sidewalks along Shary Road, 3) water district exclusion, and 4) comply with all other format findings.

City Manager recommended approval.

Mr. Joe B. Garza was present to answer any questions the City Council might have.

Councilman Plata moved to approve Final Plat Approval Orchards at Shary Road Subdivision Ph. II, 7.98 acres out of Lot 285, John H. Shary Subdivision, R-1A as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.2 Authorization to solicit bids for, or purchase via state approved contract two (2) vehicles for Meter Reader Department

Staff was seeking authorization to solicit bids, or purchase via any state approved contract, for two (2) replacement vehicles for the Meter Reading Department. These vehicles would replace 2 units that had 120,400 and 131,195 miles respectively; one of which was currently parked and could not be driven and the other required continuous maintenance to stay on the road. Provided was a summary of this activity as well as a department vehicle list.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to solicit bids, or purchase via state approved contract two (2) vehicles for Meter Reader Department as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

4.3 Write-off uncollectable utility accounts receivable.

On September 27th, 2010, the City Council authorized the write-off of utility accounts that were deemed uncollectable. As mentioned at that time, every three months, staff would bring to the City Council, accounts, over one year old, to be written off and submitted to Preston, Powers, and Stone, LLC, the contracted collection agent. Provided for your review and approval was a summary of the amounts to be written off at this time. These amounts were for the three (3) month period of January 2012 through March 2012.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve to write-off uncollectable utility accounts receivable as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.4 Approval of Change Order No. 1 for additional work for the Mission Historical Museum Site Improvements Project

Change Order No. 1 was for additional work during the initial phase of the Mission Historical Museum Site Improvements Project. The change order would increase the original contract amount of \$159,631.25 to \$164,624.25, an increase of \$4,993.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Change Order No. 1 for additional work for the Mission Historical Museum Site Improvements Project as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.5 Approval of Collection of Taxes Contract between the County of Hidalgo and City of Mission for taxable year 2013

As per Clause VI, Consideration of Collection Taxes Contract between the County of Hidalgo and City of Mission, the City must be advised of the fee for collection for the next taxable year.

The fee for taxable year 2013 would remain the same as Tax Year 2012 at \$69,458.00 or \$5,788.17 per month effective September 1, 2013.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Collection of Taxes Contract between the County of Hidalgo and City of Mission for taxable year 2013 as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.6 Tax Collections Report – March, 2013

Randy Perez, Assistant Finance Director presented the Tax Collections Report for March, 2013 for approval.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve the Tax Collections Report for March, 2013 as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.7 March 2013 Financial Statements

Mr. Perez presented the March 2013 Financial Statements for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the March 2013 Financial Statements as recommended. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

4.8 Acceptance of Quarterly Report of Investments for the Quarter ending March 31, 2013 and Interest Earned for three months ending March 31, 2013

Acceptance of quarterly report required by the Public Funds Investment Act Section 2256.023 of the Texas Government Code on the total investments for the quarter ending March 31, 2013. The total investments purchased were \$10,003,717.71 and the amount of maturing investments was \$8,012,000.00 leaving a total of \$26,687,270.67 in outstanding investments for the quarter ending March 31, 2013. The total interest earned on all funds year to date was \$35,137.42.

Staff and City Manager recommended approval.

Councilman Plata moved to approve the Quarterly Report of Investments for the Quarter ending March 31, 2013 and Interest Earned for three months ending March 31, 2013 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

4.9 Approval of Ordinance # 3934 between the State of Texas (TxDOT) and the City of Mission for the approval of Municipal Maintenance Agreement, for the maintenance, control, supervision and regulation of certain State Highways and portions of state highways in the City of Mission and authorizing the Mayor to execute such agreement

Provided was the Municipal Maintenance Agreement between the City of Mission and State of Texas (TxDOT) whereby the State would assist the City in the maintenance and operation of State highways within the City and authorizing the Mayor to execute such agreement.

Staff and City Manager recommended approval.

Mayor Pro Tem Garza moved to approve Ordinance No. 3934 between the State of Texas (TxDOT) and the City of Mission for the approval of Municipal Maintenance Agreement, for the maintenance, control, supervision and regulation of certain State Highways and portions of state highways in the City of Mission and authorizing the Mayor to execute such agreement as recommended. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

ORDINANCE NO. 3934

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, APPROVING THE AGREEMENT BETWEEN THE STATE OF TEXAS (TxDOT) AND THE CITY OF MISSION FOR THE MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF MISSION AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE SUCH AGREEMENT.

4.10 Approval of Resolution # 1350, Resolution of the City Council of Mission Approving the Issuance of Industrial Development Revenue Bonds by the Mission Economic Development Corporation to Finance and Refinance a Manufacturing Project for AmeriTex Pipe & Products, LLC

Lee McCormick, President of Community Development Associates, had facilitated the issuance of Industrial Development Revenue Bonds by the Mission Economic Development Corporation for the purpose of financing and refinancing a manufacturing project for AmeriTex Pipe & Products, LLC, under the assistance of MEDC's Private Activity Bond program.

Provided was a staff report and the proposed resolution.

Staff and City Manager recommended approval.

Councilwoman Ramirez moved to approve Resolution No. 1350 Approving the Issuance of Industrial Development Revenue Bonds by the Mission Economic Development Corporation to Finance and Refinance a Manufacturing Project for AmeriTex Pipe & Products, LLC as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

RESOLUTION NO. 1350

RESOLUTION OF THE CITY COUNCIL OF CITY OF MISSION APPROVING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS BY THE MISSION ECONOMIC DEVELOPMENT CORPORATION TO FINANCE AND REFINANCE A MANUFACTURING PROJECT FOR AMERITEX PIPE & PRODUCTS, LLC

4.11 Authorization to submit a grant application to the Texas Department of Transportation for the Click It or Ticket It Grant Program

The Mission Police Department was requesting authorization to submit a grant application to the Texas Department of Transportation for the Click It or Ticket It Grant program. The 2013 Click It or Ticket It Grant was designed to provide grant monies to increase seat belt enforcement for both adults and young children throughout our community. The grant amount was \$5,000.00 that

would be utilized for enforcement purposes. There was no cash match that was required for this particular grant program. Staff was seeking a favorable recommendation.

Staff Recommendation: Authorized the submission of the grant application for \$5,000.00 to the Texas Department of Transportation for the Click It or Ticket It Grant Program.

City Manager recommended approval.

Mayor Pro Tem Garza moved to authorize to submit a grant application to the Texas Department of Transportation for the Click It or Ticket It Grant Program as recommended. Motion was seconded by Councilman Plata and approved unanimously 5-0.

4.12 Approval of Ordinance # 3935 amending Ordinance 3832 to delete assignment pay of school supervisor from the salary and incentive pay plan for sworn personnel for fiscal year 2012-13

On September 12, 2012, City Council approved Ordinance 3832 which established the base salaries and the incentive package for civil service employees for the fiscal year 2012-13. At this time, we were requesting that staff delete from the salary and incentive pay plan School Supervisor from Exhibit "F" due to the additional CPL's and SGT's that were added to the department and were now responsible for those duties.

Staff and City Manager recommended approval.

Councilman Plata moved to approve Ordinance No. 3935 amending Ordinance 3832 to delete assignment pay of school supervisor from the salary and incentive pay plan for sworn personnel for fiscal year 2012-13 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

ORDINANCE NO. 3935

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS
AMENDING ORDINANCE NO. 3832 TO DELETE ASSIGNMENT PAY OF SCHOOL
SUPERVISOR FROM THE SALARY AND INCENTIVE PAY PLAN FOR SWORN
PERSONNEL FOR FISCAL YEAR 2012-2013

4.13 Authorization to engage Spawglass Contractors for the design of the City of Mission Conway Avenue Streetscape Project – Phase I Design and execute the agreements incident thereto

Staff was seeking authorization to engage Spawglass Contractors Inc. to design and furnish all of the materials, supplies, tools, equipment, labor and other services necessary to complete the Contract Documents, some of which would be prepared by SSP Design, LLC. Provided were the Owner/Contractor Agreement as well as the General Conditions of the Contract for Design.

Staff and City Manager recommended approval.

Councilman Plata moved to authorize to engage Spawglass Contractors for the design of the City of Mission Conway Avenue Streetscape Project – Phase I Design and execute the agreements incident thereto as recommended. Motion was seconded by Councilwoman Ramirez and approved 4-0 with Mayor Pro Tem Garza abstaining from voting and deliberating on this item.

4.14 Budget Amendments: Hotel/Motel Fund

Mr. Perez presented the budget amendment BA–2013-35 to the City Council for approval.

Staff and City Manager recommended approval.

Councilman Plata moved to approve budget amendment BA–2013-35 as recommended. Motion was seconded by Mayor Pro Tem Garza and approved unanimously 5-0.

5.0 Unfinished Business

5.1 Public Hearing Agenda Item: Rezoning: 722 E. 8th St., 5.1 Suite D being out of Lots 11 & 12, and a 20’ strip adjacent thereto, Block 113, Mission Original Townsite, from C-3 to P, Elizabeth B. Hernandez (City Attorney may ask City Council to go into executive session on this item under the “Consultation With Attorney” exception before considering this matter in open session)

Site: The subject site was located on the SW corner of Mayberry Road and E. 8th Street. There was an existing commercial plaza on the site, where the only area to be rezoned to “Public” would be Suite D.

Surrounding Zoning/	N:	C-3 - General Business; Open Acreage
Existing Land Uses:	E:	R-1 - Single Family Residential; Mission Housing Comm. Ctr.
	W:	R-1 - Single Family Residential; SF Home
	S:	R-1 - Single Family Residential; SF Home
	Site:	C-3 - General Business; Commercial Plaza

FLUM: The Future Land Use Map reflected a General Commercial (GC) designation.

Review Comments: On August 13, 2012, City Council created a new Zone which required all public facilities such as City, County, and Federal buildings; Churches; and Schools to fall within this zone. Ms. Hernandez was proposing to utilize an existing commercial suite as a Church facility, thus the need to change of zone from C-3 to P. The change, however, should only be for suite “D” so as not to affect the other suites.

Ms. Hernandez submitted a proposed floor plan showing the seating. There were 20 seats being proposed which required 5 parking spaces as per code. There were a total of 18 existing parking spaces. The members of the Church would meet on Wednesdays from 7 p.m. to 10 p.m. and on Sundays from 9 a.m. to 12:30 p.m. It was noted that the businesses within the plaza operated until 6 p.m. Therefore, staff did not foresee any parking issues. Notices were sent to property owners within a 200’ radius of the site. Staff had not received comments for or against this proposal. There was no public opposition during P&Z 3/25/13 Mtg. P&Z unanimously recommended approval.

Item 5.1 remained on the table.

6.0 Routine Matters

6.1 City Manager’s Comments

Mr. Garza thanked Mr. Dominguez and the Mission Police Department on their Victims of Crime ceremony held this past weekend.

6.2 Mayor's Comments

None

At 5:50 p.m., Councilman O'cana moved to convene into executive session for items 7.1A and 7.2A, 7.2B & 7.2C of the agenda. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

7.0 Executive Session pursuant to V.T.C.A. Gov. Code Sec. 551.001

7.1 Consultation with Attorney Sec. 551.071

Deliberation regarding real property Sec. 551.072

- A. Purchase of Drainage and Utility Easements out of Lot 172, John H. Shary Subdivision

7.2 Consultation with Attorney Sec. 551.071

- A. Consent to City Attorney's selection of an attorney for eminent domain proceedings if needed for Mile 2 North SH 107 (Conway Ave.) to Moorefield Rd.
- B. Proposal from City of Penitas on Extra-Territorial Jurisdiction
- C. Concerns on proposed actions by the Tax Increment Reinvestment Zone/Mission Redevelopment Authority regarding bonds and other issues

7.3 The City Council will reconvene in open session to take any actions necessary

At 6:33 p.m., Mayor Pro Tem Garza moved to reconvene in open session to take action on the above mentioned items. Motion was seconded by Councilman Plata and approved unanimously 5-0.

On item 7.1-A, no action was taken.

On item 7.2-A, Mayor Pro Tem Garza approved to consent to City Attorney's selection of Bob Galligan, of Jones, Galligan, Key and Lozano to represent the City in any eminent domain proceedings if needed for the Mile 2 North SH 107 (Conway Ave.) to Moorefield Rd. Motion was seconded by Councilman O'cana and approved unanimously 5-0.

On item 7.2-B, no action was taken.

On item 7.2-C, no action was taken.

8.0 Adjournment

At 6:34 p.m., Councilman Plata moved for adjournment. Motion was seconded by Councilwoman Ramirez and approved unanimously 5-0.

Norberto Salinas, Mayor

ATTEST:

Anna Carrillo, City Secretary